THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION No. 9950 OF 2006

Dated 24th May 2006

Between:

Ch.Yagnaiah & Sons, rep. by its Managing Partner,

Ch.Subramaniam

…Petitioner

and

The Mandal Revenue Officer, Kama Reddy,

Nizamabad District & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 9950 OF 2006

O R D E R:

The first respondent initiated proceedings against the petitioner, under the A.P. Land Encroachment Act (for short "the Act"), and ultimately, he passed an order of eviction. Aggrieved thereby, the petitioner preferred an appeal before the 3rd respondent, together with an application for stay. The grievance of the petitioner is that the 3rd respondent did not pass any orders, either in the appeal, or in the stay application, and in the mean while, the 1st respondent is taking steps to evict it.

Heard the learned counsel for the petitioner and learned Government Pleader

for Revenue.

The Act provides for a regular appeal, against an order passed under Section 6 thereof. If the petitioner is evicted from the schedule premises, even while the appeal is pending, the remedy becomes nugatory.

In that view of the matter, the writ petition is disposed of, directing that the order of eviction, passed against the petitioner, shall remain suspended, till the 3rd respondent disposes of the appeal preferred by the petitioner. There shall be no order as to costs.

_____

24th May 2006

Note: Issue C.C. by tomorrow.

(B/o)

PAN